

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-125-MOC

AARON LEE HENDRICKSON,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on Petitioner's *pro se* "Motion to Reconsider/Amend," (Doc. No. 10), which was filed on April 28, 2018. He asks the Court to reconsider its April 5, 2018, Order dismissing and denying the Motion to Vacate filed pursuant to 28 U.S.C. § 2255, (Doc. No. 7). Petitioner argues that the Court should reconsider its rejection of his § 2255 petition because counsel misinformed him about the plea deal, superseding indictment, and his sentencing exposure, which "forced [him] into lieing [sic] to the court" at the plea hearing and admit his guilt to charges that were untrue. (Doc. No. 10 at 6).

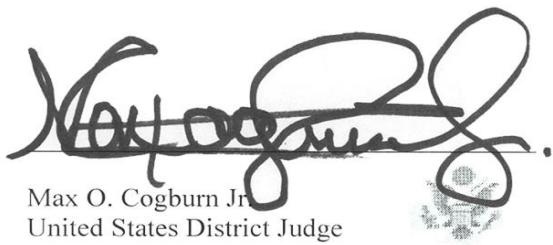
A party may file a Rule 59(e) motion to alter or amend no later than 28 days after the entry of a judgment. Fed. R. Civ. P. 59(e). Such a motion may only be granted in three situations: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc., 674 F.3d 369, 378 (4th Cir. 2012) (internal quotation marks omitted). "Rule 59(e) motions may not be used to make arguments that could have been made before the judgment was entered." Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002).

The instant Motion presents arguments that Petitioner did or could have presented in his § 2255 petition and reply. He fails to identify any new evidence that could not have been presented, earlier, any change of law, or a clear error that would result in a manifest injustice. Thus Petitioner has failed to show the existence of the limited circumstances under which a Rule 59(e) motion may be granted, and this Motion will be denied.

IT IS, THEREFORE, ORDERED that:

(1) Petitioner's Motion to Reconsider/Amend, (Doc. No. 10), is **DENIED**.

Signed: May 29, 2018



Max O. Cogburn Jr.
United States District Judge